

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GAYLE M. FORADORI,

Plaintiff,

Case No. 05-CV-71830

vs.

HON. GEORGE CARAM STEEH

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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ORDER ACCEPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND GRANTING IN PART PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT

This matter is one in which plaintiff Gayle Foradori challenges Social Security Administration's determination to deny her application for disability and disability insurance benefits. As provided by 28 U.S.C. § 636(b)(1)(B) and E.D. Mich. LR 72.1(b)(2), the case was assigned to Magistrate Judge Whalen for pre-trial proceedings.

Before the court is the magistrate's Report and Recommendation, filed August 17, 2006, concerning the parties' cross-motions for summary judgment. The magistrate recommends that the court deny defendant's motion for summary judgment and grant plaintiff's motion in part, via remand to the agency for further fact finding.

In Magistrate Whalen's Report and Recommendation, the conclusion section clearly stated that objections to his report and recommendation were to be filed within 10 days of service of a copy thereof. 28 U.S.C. § 636(b)(1), Fed. R. Civ. P. 72(b). However, defendant Commissioner has filed no objections to the report and recommendation to date. The failure to file such objections waives a party's right to

further appeal. Howard v. Secretary of Health & Human Services, 932 F.2d 505 (6th Cir. 1991). *Also see* U.S. v. Campbell, 261 F.3d 628, 631-32 (6th Cir. 2001) (citing Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984), *aff'd* 474 U.S. 140 (1985)).

The court has considered the pleadings and the report and recommendation of the magistrate in this matter. For the reasons stated in the well-reasoned report and recommendation of Magistrate Judge Whalen, plaintiff's motion for summary judgment is hereby GRANTED, to the extent that the case is remanded for further fact-finding.

IT IS SO ORDERED.

Dated: September 13, 2006

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on September 13, 2006, by electronic and/or ordinary mail.

S/Josephine Chaffee
Deputy Clerk